

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

GALE NELSON WALKER

PLAINTIFF

V.

CIVIL ACTION NO. 3:15-CV-911-DPJ-FKB

**ROBERT SHULER SMITH, individually and
In his official capacity as District Attorney of
Hinds County, Mississippi; Hinds County
Mississippi; John or Jane Does 1-10**

DEFENDANTS

MOTION TO WITHDRAW AS COUNSEL

COMES NOW Peter W. Cleveland and files this his Motion to Withdraw as Counsel of Record for Defendant Robert Shuler Smith and in support would show the following:

1. The undersigned counsel, in his capacity as Special Assistant Attorney General in the Office of the Attorney General for the State of Mississippi, entered an appearance on behalf of the Defendant Robert Shuler Smith.
2. On June 22, 2016, the Office of the Attorney General charged Defendant Robert Shuler Smith with violating §97-11-3 of the Miss. Code of 1972, as amended, by providing information to assist criminal defendants.
3. Thus, an ethical conflict has arisen between the Office of the Attorney General and Defendant Robert Shuler Smith which prevents the continued representation of Defendant Robert Shuler Smith by the undersigned counsel.

4. The Office of the Attorney General has made a good faith attempt to notify Defendant Robert Shuler Smith in writing of the undersigned counsel's intent to withdraw as counsel of record by mailing, via certified mail, and hand delivering correspondence, a copy of which is attached hereto as Exhibit A. In addition, the undersigned counsel's intent to withdraw was discussed during a telephone conversation on June 23, 2016, between Jamie McBride, one of Defendant Robert Shuler Smith's Assistant District Attorneys and the undersigned. Further, a copy of this motion is being mailed to Defendant Robert Shuler Smith this day.

5. Should this motion be granted, it is respectfully requested that Defendant Robert Shuler Smith be granted sixty (60) days within which to secure new counsel to represent him in this matter and this cause be stayed until his new counsel enters an appearance on his behalf.

6. No prejudice will occur to any of the parties if this Motion is granted.

WHEREFORE, PREMISES CONSIDERED, Peter W. Cleveland prays that he will be allowed to withdraw as counsel of record for Defendant Robert Shuler Smith and be relieved from any further involvement in the representation of Defendant Robert Shuler Smith in this cause and to stay this cause and allow Defendant Robert Shuler Smith sixty (60) days within which to secure new counsel to represent him. The undersigned further requests any and all other relief that this Court deems fit and proper.

Respectfully submitted, this the 24th day of June, 2016.

/s/Peter W. Cleveland
PETER W. CLEVELAND, MSB # 6301
SPECIAL ASSISTANT ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I, Peter W. Cleveland, Special Assistant Attorney General for the State of Mississippi, do hereby certify that on this date I caused to be served, via ECF, the foregoing document which sent notification of such filing to the following:

Gale N. Walker
GALE WALKER LAW FIRM, PLLC
152 Windy Hill Cove
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William R. Allen
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Pieter Teeuwissen
Pieter Teeuwissen, PLLC
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THIS, the 24th day of June, 2016.

/s/Peter W. Cleveland
PETER W. CLEVELAND